

I have said that I sit in the white hair row. It is a row that I picked. Because of my seniority, I can sit just about anywhere I want, but I sit in this row to sit near Senator BYRD.

Senator BYRD is a Senator's Senator, but he is also a Senator who respects and preserves the Constitution. We are supposed to be the conscience of the Nation. There is only 100 of us to represent 219 million Americans. Thank goodness one of those 100 is ROBERT C. BYRD of West Virginia.

COMMONSENSE CONSUMPTION ACT OF 2005, S. 908

Mr. LEAHY. Mr. President, I would note that regrettably, we have on the Senate's calendar legislation designed to limit the rights of consumers, the so-called Commonsense Consumption Act of 2005, as bad public policy.

It defies common sense to give entire industries blanket immunity from potential harm they impose on Americans. The incentives involved in litigation are one of the few remaining measures leading to real corporate responsibility, not to mention accountability. The handful of lawsuits that would have been barred by this legislation actually resulted in settlements providing for more nutritious food in our schools, more accurate labeling for consumers, and the removal of harmful trans fats from some of the foods we eat. A blanket ban on such measures will lead to more serious problems such as increases in heart disease and diabetes and other chronic conditions that are taxing this Nation's health system.

There are many problems with the sweeping language of this legislation. It would dismiss existing State and Federal cases, as well as preempt future cases. Sponsors of the bill claim that it would not prevent false advertising claims but the language in the bill does not guarantee this result. It prevents suits against manufacturers, marketers, distributors, advertisers or sellers of specific products but the exception for false advertising only applies to manufacturers and sellers. Why should advertisers and sellers be excluded from this exception? They are just as likely to deceive consumers as manufacturers and sellers. Also, the legal standard will be heightened so that consumers would be required to prove intentional violation of Federal or State statutes, rather than simply having to prove violations of government regulations on advertising and food safety. Why would we want to give immunity to companies that violate safety regulations? And why should the injured consumer be required to prove a corporation's intent if it can be proved that the corporation violated the law? We all know how impossible it is to prove "corporate intent" without the extraordinary help of a whistleblower. And we all know that were it not for citizens' lawsuits, we may never have learned of the harm that big tobacco companies knowingly

caused to so many, for so long, while denying so much of what they knew. Time and again, the legal system has been more effective than government watchdog agencies in prying loose consumer information like that, which we otherwise might never see.

This legislation does not create any alternative method for keeping a check on corporate misconduct that has a detrimental effect on the health of all Americans. If this bill passes, American consumers will only be left with the thin hope that suddenly the Bush-Cheney administration will begin true regulation of corporations on behalf of American consumers.

If we are serious about trying to address the national health epidemic that is related to obesity, then we should be considering legislation to clarify food labeling so consumers can make informed choices. How about legislation requiring nutritious food in our schools? How about listening to the scientific and health community about the needless dangers of trans fats in our food? How about ending cuts in education that lead to the cancellation of physical education and health courses?

Consideration of this corporate immunity legislation would be especially ill-timed in light of the numerous pressing issues that face this Nation today. The Senate's time would be better spent debating stem cell research, or the life saving technologies that would make Americans' lives better. We should also be moving forward with comprehensive immigration reform, re-authorizing the Voting Rights Act, and addressing the horrific genocide in Darfur. This bill also yet to be subject to committee consideration. If the Judiciary Committee had considered this legislation, I am confident we would have amended the sweeping language of this blanket immunity bill.

This legislation favors the interests of corporations over the health of our children and the health of their parents. This is not the fix that is needed. Let us direct our energies towards making American health care better by finding cures to diseases, making it easier for consumers to make informed choices, getting more Americans insured and investing in health care prevention.

BIRTHDAY WISHES TO DAW AUNG SAN SUU KYI

Mr. MCCONNELL. As with all supporters of freedom and democracy in the world, I rise today to extend birthday wishes to Daw Aung San Suu Kyi, the Nobel Laureate who remains under house arrest in Burma.

Much like her previous several birthdays, Suu Kyi's birthday today almost certainly will not be a happy one. The "gift" given to Suu Kyi by the ruling State Peace and Development Council, SPDC, a few weeks ago was the news that it was again extending her deten-

Under the autocratic rule of the SPDC, drug trafficking, disease and human rights violations are rampant and pose growing problems to the region as a whole. The SPDC adheres to policies that seek only to consolidate its own power, and the ruined lives of the Burmese people are the result. Indeed, there is little reason for celebration in Burma today.

The plight of Suu Kyi symbolizes the plight of her countrymen. Moreover, her commitment to freedom and justice through peaceful political change has created a legacy that will endure long after the SPDC's reign is no more.

The best gift the free world can give Suu Kyi is to remain steadfast in support of freedom in Burma today. She can count on my support.

Mr. President, I ask unanimous consent that an op-ed in today's Wall Street Journal by Under Secretary of State Paula Dobriansky be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 19, 2006]

"PRESS FOR CHANGE IN BURMA"

(By Paula J. Dobriansky)

Today marks the 61st birthday of Aung San Suu Kyi, the elected leader of Burma's National League for Democracy. It is the third consecutive birthday that she has spent under detention—and a stark reminder that not only she, but 50 million fellow Burmese are living without basic freedoms and human rights. Absent change, Burma is likely to continue a dangerous decline that threatens the welfare of its people and its neighbors alike.

Only by unconditionally releasing Ms. Suu Kyi and all other political prisoners, restoring a democratic form of government, and observing international standards of human rights can Burma's regime bring stability, prosperity and peace to its country—and international respect to its leaders. Toward that end, we are seeking a United Nations Security Council resolution that underscores the aforementioned goals, which were communicated by U.N. Undersecretary General for Political Affairs Ibrahim Gambari to senior Burmese officials during his visit to the country last month. The U.S. is committed to working with the U.N. Security Council, U.N. Secretary General Kofi Annan, regional institutions and governments to press for genuine national reconciliation in Burma.

The threat to the Burmese people from their own leaders is clear: In only the last few months, attacks against ethnic minorities have displaced thousands. Military units abuse their power regularly and commit egregious human rights abuses with impunity, including rape, forced labor, murder and torture. The regime's continued economic mismanagement and corruption have led to a widespread failure of the banking system and rampant inflation, which increases the daily hardships of the Burmese people. Making matters worse, the military's restrictions on U.N. and nongovernmental organizations have hampered the ability of relief organizations to deliver assistance to Burma's most vulnerable populations.

Infectious diseases like HIV/AIDS, tuberculosis and avian flu are best controlled by responsible governments with transparent public health systems that cooperate closely with international institutions. Yet even as the Burmese regime spends considerable